

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARCH SPECIALTY INSURANCE
COMPANY,

Plaintiff,

v.

TDL RESTORATION, INC.,

Defendant.

No. 18-CV-6712 (KMK)

OPINION & ORDER

KENNETH M. KARAS, United States District Judge:


In an Opinion & Order entered on March 31, 2021, the Court partially granted and partially denied Plaintiff's Motion for Summary Judgment. (Op. & Order ("March 2021 Op.") 24 (Dkt. No. 69).) In a footnote, the Court explained that it was "prepared to amend [its Opinion &] Order and enter summary judgment for Plaintiff in the total amount of \$164,135 (\$158,157 + \$5,978)[,]" which reflected the Court's calculation of the damages to which Plaintiff is entitled. (*Id.* at 21 & n.15.) The Court stated that "Plaintiff should notify the Court within one week of the entry of [the Opinion &] Order whether it [was] willing to accept [the Court's] determination or would rather proceed with litigation regarding the additional \$27,500 in putative exposure." (*Id.* at 21 n.15.) On April 7, 2021, Plaintiff filed a letter notifying the Court that it was "accept[ing] the Court's determination[]" as set forth in footnote 15 of the [Court's Opinion &] Order." (Dkt. No. 70.)

Accordingly, the Court's March 31, 2021 Opinion & Order is amended as follows: Plaintiff's Motion for Summary Judgment is granted, and Plaintiff is entitled to collect \$164,135 in damages, which reflects \$158,157 in Additional Premium and \$5,978 in Taxes and Fees. (*See*

March 2021 Op. 21.) The Clerk of Court is respectfully directed to enter judgment for Plaintiff and close this case.

SO ORDERED.

Dated: August 31, 2021
White Plains, New York



KENNETH M. KARAS
United States District Judge